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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

STATE OF ALASKA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No.: 3:18-cv-00265-HRH

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, the State of Alaska (“the State”) respectfully moves for summary judgment in the above-captioned matter. Specifically, the State requests this Court issue an order finding that the North Fork of the Fortymile River from its headwaters at the confluence of Slate Creek and Independence Creek to a point 0.3 river miles downstream of its confluence with Champion Creek was navigable-in-fact at the time of Alaska’s statehood, and therefore was conveyed to the State by operation of

law under the Equal Footing Doctrine of the United States Constitution, the Submerged Lands Act, and the Alaska Statehood Act.¹ The United States has denied the navigability of this stretch of river, clouding the rights and title of the State. In this action, the State seeks to remove that cloud.

There is no genuine dispute as to any material fact regarding the navigability of this stretch of river, and the State is entitled to judgment as a matter of law. Should this Court determine that any disputes of material fact preclude a complete grant of summary judgment, the State respectfully requests that this Court enter an order firmly establishing the legal standards governing the remainder of this matter and specifically identifying the factual disputes remaining for trial.

This motion is supported by a memorandum of points and authorities filed concurrently.

DATED August 30, 2022.

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/s/ Lael A. Harrison

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¹ The United States has previously disclaimed the remainder of the North Fork to Alaska. United States' Quiet Title Act Disclaimer ("Disclaimer") at Docket 48 and Exhibit 4.

CERTIFICATE OF SERVICE

I certify that on **August 30, 2022**, the foregoing documents was served electronically on all parties listed on the CM/ECF system.

/s/ Leilani J. Tufaga

Law Office Assistant III